

Federal Legislative Outlook



Review and Discussion
February 7, 2018



Florida Fish and Wildlife Conservation Commission

Version 1

This is a review and discussion of recent federal legislative items relating to fish and wildlife in Florida. This presentation may be updated as legislation is introduced by the new Congress.

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Report date: January 21, 2018

Unless otherwise noted, images throughout the presentation are by FWC.

Outline

- 115th Congress
 - Congress has not passed any Fiscal 2018 appropriations bills
 - Congress operating under CR through February 8, 2018
- Legislative Update
 - Appropriations bills
 - Several FY 2018 appropriations bills contain FWC issues
 - Fishery issues
 - Wildlife issues
- Next Steps



Since the 115th Congress convened in January 2017, FWC has been monitoring legislative issues affecting Florida. These issues have manifested themselves in several different types of legislation including Appropriations bills, Fishery Management and Conservation bills, and Wildlife Conservation and Management bills.

As the 115th Congress continues, staff will continue to monitor legislative activities and as directed by the Commission, advocate for outcomes that are best for Florida. This presentation will cover current and upcoming federal legislative issues that may affect Florida.

Appropriations Bills

These appropriations bills contain FWC issues

- **H.R. 3354** – Department of Interior, Environment, and Related Agencies
 - Biscayne National Park
 - State Tribal and Wildlife Grants
- **Senate Interior Appropriations** – Department of Interior, Environment, and Related Agencies
 - Biscayne National Park
 - State Tribal and Wildlife Grants
- **H.R. 3267** – Department of Commerce, Justice, Science, and Related Agencies
 - Red snapper and cobia
- **S. 1662** – Department of Commerce, Justice, Science, and Related Agencies
 - Red snapper and South Atlantic Reef Fish management



FWC supported these bills

Several appropriations bills were introduced this Congress that contained FWC issues. The Department of the Interior, Environment, and Related Agencies Appropriations Act (H.R. 3354) includes language that could impact Biscayne National Park (BNP) and wildlife conservation. Specifically, the bill states the National Park Service (NPS) should collaborate with FWC to consider fisheries regulations and management actions outlined in BNP's current Fishery Management Plan (FMP) as necessary to fully address fishery management needs. The bill also includes language that NPS should consider inclusion of scientifically rigorous monitoring and an adaptive management framework to guide data collection and future management as part of any special rules and regulations promulgated and implemented to govern the protection of coral reef resources within the proposed no-fishing marine reserve zone. Additionally, BNP should reestablish the Memoranda of Understanding (MOU) with FWC and reestablish a Fisheries Working Group that include local representatives from recreational and commercial fishing communities, businesses, and non profit organizations. The bill includes language that would allow FWC to retain all authorities to implement fishing restrictions in state regulated waters of BNP.

Additionally, H.R. 3354 encourages the exploration of allowing States to use a portion of the funds allocated to them by the Pittman-Robertson for any project or activity, designed to recruit or retain hunters and recreational shooters. Also the bill includes \$62.5 million for State and Tribal Wildlife Grants, which are used by the state to increase conservation and wildlife management.

The Senate Interior Appropriations bill is the senate companion bill to H.R. 3354. While it has not been introduced in the Senate, it has been released for public review, and it contains the exact same language regarding Biscayne National Park (BNP) as H.R. 3354. In addition, it includes \$63.5 million of State and Tribal Wildlife Grants.

The House Commerce, Justice, Science, and Related Agencies Appropriations Act (H.R. 3267) includes language that could affect red snapper, cobia, the Fish Information Network, Southeast Area Monitoring and Assessment Program (SEAMAP), and migratory species. For red snapper, H.R. 3267 contains \$10 million to continue to improve the science and management of red snapper, as well as develop and implement agency-independent data, which shall be incorporated into NOAA stock assessments. Additionally, National Marine Fisheries Service (NMFS) shall continue its effort to re-baseline and restructure its stock assessment analysis and to include all reef structures. No later than 180 days after the enactment of H.R. 3267, NOAA shall report to the Committee on its proposal for how this funding will be spent and progress made from reef fishing funding provided in previous years. Additionally, H.R. 3267 includes funding for cobia assessment in the Atlantic, the Fish Information Network, SEAMAP, and studies for highly migratory species.

The Department of Commerce, Justice, Science, and Related Agencies Act (S. 1662) includes language that could affect red snapper, MRIP, South Atlantic Reef Fish Management, and South Florida Coral Reef Program. The bill includes \$5 million for states to manage red snapper over artificial reef zones. It directs NMFS in the Gulf of Mexico to incorporate agency-independent and alternative approaches to stock assessments and directs them to include fishery data collected on artificial reefs, off-shore platforms, and other offshore fixed energy infrastructure. Also, it encourages NMFS to use independent and alternative stock assessment strategies for South Atlantic reef fish, and consider studies using different gears to assess reef fish populations. The bill also encourages NOAA to study the impact of oil platforms on highly migratory species, provides, instructs NOAA to submit a study on use of electronic reporting to improve MRIP, and funding for the development and use of electronic reporting, the Fisheries Information Network, for off-bottom oyster production, and the South Florida Coral Reef program.

Fishery Management Legislation

- **H.R. 200** – Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management (Young, AK)
- **H.R. 2023 and S. 1520** – Modernizing Recreational Fisheries Management Act (Graves, LA, and Wicker, MS)
- **S. 1748** – Florida Fisheries Improvement Act (Rubio, FL)
- **H.R. 3588 and S. 1686** – RED SNAPPER Act (Graves, LA, and Cassidy, LA)
- **H.R. 1382** – GO FISH Act (Weber, TX, and DeSantis, FL)
- **H.R. 1456 and S. 793** – Shark Fin Trade Elimination Act (Royce, CA, and Booker, NJ)
- **H.R. 2560 and H.R. 943** – Lionfish (Curbelo, FL, and Gaetz, FL)



In addition to issues included in Appropriations bills, FWC tracked and engaged on bills that affected fisheries management. There are several bills that would amend the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson), and Gulf red snapper, sharks, and lionfish. These bills are summarized in the following slides.

Magnuson Stevens – H.R. 200 and Florida Fisheries – S.1748

- **H.R. 200** – Passed House Natural Resources Committee
 - Provide flexibility in stock rebuilding and ceasing rebuilding plans
 - Exempt certain stocks from ACL requirements: Spiny lobster
 - Increase public involvement and transparency when data is collected
 - Form a state-federal partnership to improve data collection
- **S. 1748**
 - Give Regional Councils ability to use alternative management methods
 - Exempt certain stocks from ACL requirements: Spiny lobster
 - Require a review of allocation in South Atlantic at least once every five years
 - Require National Academy of Sciences to study mixed-use fisheries in South Atlantic and Gulf of Mexico



Photo courtesy of noaa.gov

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson) is the principal federal law governing marine fisheries in the United States and directs the conservation and management of federal fisheries. It was originally passed in 1976 to address concerns about foreign fishing vessels in U.S. waters by creating a 200 nautical mile limit (Exclusive Economic Zone) of U.S. control over waters that were once heavily fished by foreign vessels. It also provides the framework for the federal fishery management councils and directs how federal fisheries regulations are promulgated and implemented. Magnuson includes deadlines for ending overfishing and rebuilding fisheries and also requires the federal councils to set specific harvest limits (i.e., annual catch limits or ACLs) for federally-managed species. It also outlines the framework for federal limited access privilege programs (LAPPs) like individual fishing quotas (IFQs).

Congress directs U.S. fisheries management and policy by amending Magnuson during reauthorizations. Magnuson was first reauthorized in 1996, then again in 2006. Magnuson has been eligible for another reauthorization since 2013. The Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (H.R. 200) was introduced by Congressman Young (R-AK), and is the main bill that would reauthorize the Magnuson Act and make several management improvements. For example, H.R. 200 encourages alternative management measures, cooperative data collection, includes a study for allocation in mixed-use fisheries, and provides flexibility for rebuilding fish stocks.

In December 2017, the House Natural Resources Committee approved the legislation. During the approval of H.R. 200, Congressman Webster (R-FL) offered an amendment that would prohibit the hand feeding of sharks in federal waters off the coast of Florida, which is supported by FWC and was approved by unanimous vote. The bill also includes language that exempts spiny lobster from any annual catch limits (ACL). H.R. 200 passed in the House Natural Resources Committee, and FWC anticipates H.R. 200 will be considered by the full House of Representatives in February 2018. FWC has supported H.R. 200 enthusiastically.

The Florida Fisheries Improvement Act (S. 1748) was introduced by Florida Senators Rubio and Nelson. This bill has not moved in the Senate, but FWC is supporting it because it, among other changes, exempts spiny lobster from annual catch limits (ACLs), which is important to fishery management. In addition to exempting spiny lobster, S. 1748 makes other changes to fishery management, such as encouraging alternative management measures, allowing the Secretary of Commerce to use penalty funds for stock assessments, and adding another seat to the South Atlantic Fishery Management Council. Some of its provisions may be included in a larger effort to make changes to Magnuson.

Modernizing Recreational Fisheries Management Act – H.R. 2023 and S. 1520

- Modernize recreational fisheries management
- Improve stock rebuilding timeframe
- Encourage alternative management methods
- Require National Academy of Sciences study of mixed-use fisheries in South Atlantic and Gulf of Mexico
- Improve recreational data collection (MRIP)
- Create a moratorium on LAPP – FWC has suggested a change to this language



Photo courtesy of noaa.gov

Congressman Graves (R-LA), Green (D-TX), Webster (R-FL), and Wittman (R-VA) introduced the Modernizing Recreational Fisheries Management Act (H.R. 2023). This bill makes changes to recreational fishery management, and several parts of it were included in H.R. 200 when the Natural Resources Committee approved H.R. 200. Since parts of it were included in H.R. 200, H.R. 2023 will no longer move by itself. Senators Wicker (R-MS) and Nelson (D-FL) introduced S. 1520, and this bill is pretty similar to H.R. 2023. S. 1520 has not moved in the Senate, but some off its provisions may be included in larger effort to make changes to Magnuson.

RED SNAPPER Act – H.R. 3588 and S.1686 and Shark Fin Trade Elimination – H.R.1456 and S.793

- **H.R. 3588 and S. 1686** – 3588 Passed House Natural Resources Committee
 - Allow states to manage Gulf red snapper for private anglers to the greater of 25 miles or 25 fathoms
 - Establish ACLs for recreational, commercial, and federally permitted charter boats
 - Allow states to establish season for 2018-2024 for private recreational fishing only
- **H.R. 1456 and S. 793** – 793 Passed Senate Commerce Committee
 - Create a ban on all possession, sale, and trade of shark fins
 - Finning is prohibited nationwide currently
 - Negative impact on Florida and U.S. commercial fishermen
 - FWC has not been supportive of this bill



Photo courtesy of noaa.gov

The RED SNAPPER ACT (H.R. 3588), introduced by Congressman Graves (R-LA), would extend the management for Gulf of Mexico red snapper out to 25 fathoms or 25 miles, whichever is greater. However, fishery management for Gulf red snapper would continue to be managed with quotas set by the Gulf Council. The House Natural Resources Committee approve H.R. 3588 in December 2017. Staff have been supportive of the concept but some of the details are not fully supported. The senate version of the RED SNAPPER ACT (S. 1686) was introduced by Senator Cassidy (R-LA), and this bill is identical to H.R. 3588, but has not moved in the Senate.

Congressman Royce (R-CA) and Senator Booker (D-NJ) introduced H.R. 1456 and S. 793, The Shark Fin Trade Elimination Act. (Representatives Curbelo, Posey, Wasserman-Schultz, Soto, Deutch, Gaetz, Crist, Buchanan, Yoho, Frankel, and S. Murphy are cosponsoring H.R. 1456.) These bills make it illegal to possess, buy, sell, transport, or trade shark fins or any product containing shark fins. FWC did not support this legislation because the bill: (1) would have significant negative impacts on Florida and U.S. commercial shark fishermen, who are already prohibited from participating in the wasteful practice of “finning” sharks, and (2) would likely not achieve the goal of reducing the prevalence of these activities in other, less sustainable global fisheries. S. 793 has passed the Senate Commerce Committee. H.R. 1456 has 229 cosponsors.

Wildlife Conservation and Management

- **H.R. 4647** – Recovering America’s Wildlife Act
- **H.R. 2591 and S. 1656** – Modernizing Pittman-Robertson for Tomorrow’s Needs Act
- **H.R. 3668** – SHARE Act
- **S. 733** – Sportsmen’s Act
- **S. 1514** – HELP for Wildlife Act
- **H.R. 4454 and S. 2252** – Chronic Wasting Disease Support for States Act
- Farm Bill
- **H.R. 4239** – SECURE American Energy Act
- **H.R. 3990** – National Monument Creation and Protection Act



In this Congress, several members have introduced legislation related to conservation and wildlife management.

Recovering America’s Wildlife Act – H.R. 4647

- Mirrors recommendation of *The Blue Ribbon Panel on Sustaining America’s Diverse Fish and Wildlife Resources*
 - Co-chaired by David Freudenthal and Johnny Morris
 - Panel convened to address funding challenges faced by state fish and wildlife agencies, especially non-game species
 - FWC Commission passed resolution in support, July 2017
- Would authorize \$1.3 billion annually in existing revenue from the development of energy and mineral resources on federal lands and waters to the Wildlife Conservation Restoration Program
- Florida’s share would be approximately \$50 million



The Recovering America’s Wildlife Act of 2017 (H.R. 4647) was introduced by Congressman Fortenberry (R-NE) and Congresswoman Dingell (D-MI). This bill was a direct result of recommendations of *The Blue Ribbon Panel on Sustaining America’s Diverse Fish and Wildlife Resources*. The Panel, which is chaired by Johnny Morris, founder of Bass Pro Shops, and David Freudenthal, former governor of Wyoming began its work in March 2015 and is comprised of over a dozen national business and conservation leaders. The Panel’s charge was to develop recommendations for a sustainable and predictable dedicated funding source to support conservation of the nation’s species of greatest conservation need. In July 2017, the Commission passed a resolution in support of these recommendations. This bill provides \$1.3 billion annually to fund conservation and wildlife management in the states. Florida’s share would be approximately \$50 million.

Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act – H.R. 2591 and S. 1656

- Allow states flexibility to fund programs to recruit, retain, and reactivate recreational shooters and hunters
- Strong Florida delegation support for H.R. 2591



Congressmen Scott (R-GA) and Green (D-TX) introduced H.R. 2591, the Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act. This bill would allow states to use these funds to conduct marketing campaigns to recruit, retain, and reactivate sportsmen. Florida Congressmen Webster, Ross, Rutherford, Tom Rooney, Dunn, and Francis Rooney are cosponsoring H.R. 2591. Senators Risch (R-ID) and Heitkamp (D-ND) introduced S. 1656, which is identical to H.R. 2591. Neither Florida Senator is a cosponsor of S. 1656.

Chronic Wasting Disease Support for States Act – H.R. 4454 and S. 2252

- Chronic wasting disease (CWD) is a neurological disease transmittable to members of the deer family and is always fatal to deer
- CWD has not been found in Florida
- Provide \$45-60 million in assistance to the states and researchers to combat CWD



Senator Tester (D-MT) introduced S. 2252, the Chronic Wasting Disease Support for the States Act, and Congressmen Kind (D-WI) and James Sensenbrenner (R-WI) introduced H.R. 4454, the Chronic Wasting Disease Management Act. These bills are very similar and provide \$45-60 million in assistance to the states and researchers to combat chronic wasting disease in deer. Chronic wasting disease is a neurological disease transmittable to members of the deer family and is always fatal to deer. (CWD has not been found in Florida nor anywhere in humans.) This disease presents significant challenges for wildlife conservation. Federal funding would be important in FWC's efforts for surveillance and monitoring for this disease.

Next Steps

Staff will continue to advocate FWC's positions

- Meet with Florida Delegation and Congressional staff
- Staff visits to DC to discuss issues important to Florida
- Comment on bills
- Coordinate with stakeholders and other states
- Testify as requested



Staff will continue to advocate for FWC's positions in speaking with members of the Florida Congressional Delegation, Congressional staff and organizations. As bills are prepared, staff will continue to provide comments on pre-draft versions and submitted versions. Staff will continue to coordinate with stakeholders and other states about new ideas that could improve management of issues such as Gulf red snapper. Finally, staff will also testify as requested at future Congressional hearings on federal fish and wildlife issues.

The following slides are considered backup material
and are not anticipated to be part of the actual
presentation



Executive Branch and 115th Congress

Executive Branch

- 144 bills signed into law thus far



Legislative Branch

Senate

- 51 Republicans and 49 Democrats
- 1/3 of Senate running for re-election

House of Representatives

- 238 Republicans and 192 Democrats (4 vacancies)
- 100% of House running for re-election



Photo courtesy of whitehouse.gov
and history.house.gov

Funding the Government

- To date, no appropriations bill approved for 2018
 - New CR funds government through February 8, 2018, at 2017 level
 - Congressional action needed to continue funding through the end of the fiscal year (September 2018)
- Several pending appropriations bills have provisions that would affect fish and wildlife management in Florida



Photo courtesy of usgs.gov

As of the date of this presentation, Congress was trying to figure out how to fund the remainder of fiscal year 2018. Fiscal year 2018 began on October 1, 2017, but Congress has not passed any spending bills to fund the government for fiscal year 2018. Rather, Congress has enacted a series of continuing resolutions (CRs) that fund the government at fiscal year 2017 levels and policy priorities. The current CR funds the government through February 8, 2018.

FWC tracked and was engaged on a number of fiscal year 2018 appropriation bills that contain spending provisions and policy priorities for FWC and the State of Florida. These provisions are summarized in the discussion of fish and wildlife legislation on the following slide.

Photo Credit: Toni Smith, USGS. Public domain.

GO FISH Act – H.R. 1382

- Introduced by Weber (R-TX) and DeSantis (R-FL) is a co-sponsor
- Applies to Gulf red snapper seasons for 2017 and 2018
- Set private recreational season at 62 consecutive days beginning July 1
- Sets commercial season and allocation at 2016 levels
- Sets charter season and allocation at not less than 2016 levels
- Sets catch and size limits for all sectors not less than 2016 levels
- Requires Secretary of Commerce to promulgate rules for 2017 and 2018 seasons



The GO FISH Act (H.R. 1382) was introduced by Congressman Weber, and Congressman DeSantis (R-FL) is a cosponsor. H.R. 1382 would set limits and seasons for all sectors for red snapper in the Gulf. It states that the 2017 and 2018 private recreational red snapper season would be set at 62 days.

Reef Assassin Act – H.R. 2560 and Finding Innovative Lionfish Elimination Technologies Act – H.R. 943

- H.R. 2560 – Congressman Gaetz
 - Create an incentive program to catch lionfish
- H.R. 943 – Congressman Curbelo
 - Create a grant program to combat lionfish



Congressman Gaetz has introduced H.R. 2560, the Reef Assassin Act. H.R. 2560 would create incentive programs for fisherman to remove lionfish. The concept proposed here states that for every 100 lionfish removed, fisherman would be given a tag for another fish, such as snapper, gag grouper, triggerfish, or amberjack. These tags would be exempt from fishing seasons and federal quota.

Congressman Curbelo (R-FL) has introduced H.R. 943, the Finding Innovative Lionfish Elimination Technologies Act. H.R. 943 would create grants for nonprofit organizations to develop traps to catch lionfish.

SHARE Act – H.R. 3668

- Guarantee access to federal lands to hunt, fish, and shoot recreationally
- Exempt ammunition and fishing tackle from regulation due to lead content
- Prohibit the restriction of commercial and recreational fishing access unless restrictions are made in consultation with and approved by appropriate state agency

Passed the House Natural Resources Committee



Congressman Duncan (R-SC) introduced H.R. 3688, the SHARE Act. H.R. 3688 would guarantee access to federal lands to hunt, fish, and shoot recreationally. The House Natural Resources Committee has approved H.R. 3688.

Sportsmen's Act – S. 733

- Require federal officials to facilitate fishing, hunting, and recreational shooting on certain public lands
- Establish a Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise federal agencies on wildlife and habitat conservation, hunting, and recreational shooting
- Increase flexibility on use of Pittman-Robertson funds for public shooting ranges

Passed the Senate Energy and Natural Resources Committee



Senators Murkowski (R-AK) and Heinrich (D-NM) introduced S. 733, the Sportsmen's Act. This is a very comprehensive legislative package that makes many improvements to existing conservation and wildlife management laws and increases access for sportsmen of all kinds. The Energy and Natural Resources Committee has approved S. 733.

HELP for Wildlife Act – S. 1514

- Reauthorize North America Wetlands Conservation Act and funding
- Create the National Fish Habitat Board
- Authorize \$7.2 million a year for National Fish Habitat Board

Passed Senate Environment and Public Works Committee



Senators Barrasso (R-WY) and Cardin (D-MD) introduced S. 1514, the HELP for Wildlife Act. S. 1514 would provide funding for watershed restoration and wetland conservation and would improve access for anglers and hunters, including recreational shooters on public lands. S. 1514 is important for FWC because it creates the National Fish Habitat Board to oversee fish conservation partnership programs and would fund these efforts. The Senate Environment and Public Works Committee has approved S. 1514.

Farm Bill

- Important policy for wildlife conservation on private land
- Has not been reauthorized since 2014
- Congressional committees in the House and Senate are expected to introduce bill in 2018
- Last Farm Bill included \$28.2 million for conservation



Congressional committees in the United States House of Representatives and the United States Senate are expected to introduce a Farm Bill in 2018. The Farm Bill has not been reauthorized since 2014, and the goal is to reauthorize it every five years. Since Congress passed the last Farm Bill, the committees have held numerous hearings to review various components, including conservation issues, of this bill.

SECURE American Energy Act

- Energy bill that contains language related to Migratory Bird Treaty Act (MBTA)
- Would not penalize those who broke MBTA by accident
- MBTA originally enacted in 1918
 - International agreement on management and protection of migratory birds
 - Makes it illegal, unless using a valid permit, to take or possess, import, export, transport, sell, purchase, or barter any bird that is granted protected status



Representative Scalise (R-LA) introduced H.R. 4239, an energy bill, which contains language related to the Migratory Bird Treaty Act (MBTA) that would not penalize those who broke the MBTA by accident. The MBTA makes it illegal, unless operating with a valid permit, to take, possess, import, export, transport, sell, purchase, or barter of any bird that is granted protective status. This MBTA, initially enacted in 1918, codified an international agreement on the management and protection of migratory birds. The MBTA-related language in H.R. 4239 is partly in response to conflicting legal interpretations of how the U.S. Fish and Wildlife Service may permit, regulate, and prosecute incidental take of migratory birds under the MBTA.

National Monument Creation and Protection Act – H.R. 3990

- Amend the Antiquities Act
- Allow President of the United States to create national monuments but allows input and oversight from local, state, and national legislators
- Allow water monuments as long as they are in accordance with state laws in which the water rights are based

Passed the House Natural Resources Committee



Photo courtesy of nps.gov

Congressman Bishop (R-UT) introduced H.R. 3990, the National Monument Creation and Protection Act, which would amend the Antiquities Act. H.R. 3990 would allow the president to create National monuments but allow input and oversight from local, state, and federal lawmakers for various types of monument creations. Lastly, it would prevent any water declarations unless those declarations are made in accordance with the state in which the water rights are based, which is important to Florida.